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EXAMINER	
HIRL, JOSEPH P	
ART UNIT	PAPER NUMBER
2129	

DATE MAILED: 10/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

Office Action Summary	Application No.	Applicant(s)
	10/678,822	GARTLAND ET AL.
	Examiner	Art Unit
	Joseph P. Hirl	2129

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 June 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *02 October 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This Office Action is in response to an AMENDMENT entered August 17, 2006 for the patent application 10/678,822 filed on October 2, 2003.

2. The First Office Action of June 29, 2006 is fully incorporated into this Final Office Action by reference.

Status of Claims

3. Claims 1-30 are pending.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Ikeda et al (USPN 6,853959, referred to as **Ikeda**).

Claims 1, 11, 21, 30

Ikeda anticipates an automated issue resolution management (ISRM) system for directing attempts to automatically resolve issues including error conditions relating to the automated manufacturing facility, the ISRM system including a plurality of automated components whose operations the ISRM system is operable to coordinate, the components including (**Ikeda**: c1:52-57, examiner reads operation status of a plant as manufacture); a first component for automatically checking whether a first reported issue brought to its attention is a recognized issue for which an automatic resolution appears to be available (**Ikeda**: c1: 49-52; Fig. 5(A) Ref. 70). a second component for commanding the taking of automated corrective action by a portion of the automated manufacturing facility in response to a reported issue recognized by the first component (**Ikeda**: c1: 52-57, c 6: 58-67).

Claims 2, 12, 22

Ikeda anticipates a third component for determining whether the automated corrective action appears to have resolved the recognized issue (**Ikeda**: Fig. 5(A), Ref. S18-20, the corrective action appears to have resolved the issue if a report has been sent to the user); and a fourth component for logging whether the automated corrective action appears to have resolved the recognized issue(**Ikeda**: c7: 2-6; Fig. 5(A), Ref. S20).

Claims 3, 13, 23

Ikeda anticipates a first subcomponent for determining whether an automated corrective action appears to be able to be taken at present (**Ikeda**: Fig. 5(A); Ref. S 14;

the action appear to be able to be taken when emergency support is provided). a second subcomponent, in communication with the first subcomponent, for advising that an automated corrective action cannot be executed at present (**Ikeda**: c6:37-41, corrective action cannot be executed if the transmission related to the related data is not complete).

Claims 4, 14, 24

Ikeda anticipates the second subcomponent of second component is operatively arranged for advising via a first message that an automated corrective action cannot be taken because of a condition specifically identified in the first message (**Ikeda**: c6:37-41; corrective action cannot be executed if the transmission related to the related data is not complete).

Claims 5, 15

Ikeda anticipates the second subcomponent of the second component is operatively arranged for advising via a second message that an automated corrective action cannot be taken because of at least one piece of automated equipment identified in the second message is not in automatic mode (**Ikeda**: c6:37-41; corrective action cannot be executed if the transmission related to the related data is not complete meaning that one piece of equipment is not able to transmit automatically).

Claim 6

Ikeda anticipates the ISRM system further includes at least a plurality of second components which are each respectively dedicated to attempting to resolve of a different recognized issue (**Ikeda**: c8:52-58).

Claims 7, 17

Ikeda anticipates the second component of the ISRM system further includes a first subcomponent for providing at least first and second courses of possible automated corrective action (**Ikeda**: c6:53-57; Fig. 5(A); Ref. 70, 71), and a second subcomponent (**Ikeda**: Fig. 5(A); Ref. 70, 71) for commanding the taking of the first course of possible automated corrective action, and then the taking of the second course of possible automated corrective action if needed (**Ikeda**: c8:1-10; if first course can not resolve the issue, then it moves to the next component to search for other alternatives).

Claims 8, 18 and 28

Ikeda anticipates a third component for determining whether the automated corrective action that was commanded appears to have resolved the recognized issue (**Ikeda**: Fig. 5(A); Ref. S18-20; the corrective action appears to have resolved the issue if a report has been sent to the user), wherein the third component includes a first subcomponent for providing a first message indicating whether the commanded automated corrective action appears to have resolved the issue (**Ikeda**: c7:2-6; Fig. 5(A); Ref. S20) the second component includes a first subcomponent for providing at least first and second possible automated corrective actions (**Ikeda**:c6:53-57; Fig. 5(a); Ref. 70-71, there are databases that contain similar errors and operation history) a second subcomponent for commanding the taking of the first possible automated corrective action, and then commanding the taking of the second possible automated corrective action if needed (**Ikeda**: c6:53-57; Fig. 5(A), Ref. 70, 71) third subcomponent for receiving the first message provided by third component and deciding whether the second subcomponent needs to command the taking of the second possible automated corrective action (**Ikeda**: c8:1-10; if first course(action) can not resolve the issue, then it moves to the next component to search for other alternatives).

Claims 9, 19 and 29

Ikeda anticipates at least a plurality of second components as set forth above, but with each being dedicated to attempting to resolve a distinct recognized issue (**Ikeda**: c8:52-58) a command memory for providing information pertinent to possible corrective actions with respect to at least a plurality of distinct recognized issues (**Ikeda**: c8:52-58, a recipe is created to assist in finding causes and corrective actions) a command sequencer for helping generate at least first and second commands to initiate automated corrective actions in sequence as needed (**Ikeda**: c8:65-c9:2).

Claims 10 and 20

Ikeda anticipates a fourth component for logging for future reference whether an automated corrective action that was commanded appears to have resolved the recognized issue (**Ikeda**: c7:2-6; Fig. 5(A), Ref. S20); a fifth component for providing a message indicating which automated corrective action that was commanded appears to have resolved the recognized issue (**Ikeda**: c7:2-6; Fig. 5(A), Ref. S18-20, the corrective action appears to have resolved the issue if a report has been sent to the user); a sixth component, operatively arranged to receive a message from the fifth component, for logging for future reference at least part of the information contained in such received message (**Ikeda**: c7:2-6; Fig. 5(A), Ref. S20).

Claim 25

Ikeda anticipates (1) selecting at least a first course of possible automated corrective action, and generating, based at least in part thereon, a first set of commands to initiate the first course of automated corrective action (**Ikeda**: c6:53-57; Fig. 5(A), Ref. 70, 71); (2) in the event that the recognized incoming error condition does not appear to have been corrected in response to the first set of commands, selecting a second course of possible automated corrective action, and thereafter generating, based at least in part thereon, a second set of commands to initiate the second course of automated corrective action (**Ikeda**: c8:1-10; if first course can not resolve the issue, then it moves to the next component to search for other alternatives).

Claim 26

Ikeda anticipates (e) for a second incoming error condition that is so recognized in step (b), under the auspices of the supervisory program, accessing information associated with that recognized incoming error condition (**Ikeda**: c6:47-53) to enable the generation of at least a first set of automated corrective commands via the supervisory program distinct from the first set of automated corrective commands generated in response to the first incoming error condition recognized in step (b) (**Ikeda**: Fig. 5(A), Ref. 76; the other related database holds information not specifically pertaining to a common error making the corrective action distinct from known errors; person having ordinary skill in the art (PHOSITA) asserts typical operation requires an application program to run under an operating or supervisory system ... inherent in the related art); (f) under the auspices of the supervisory program, generating at least a first set of commands for initiating automated corrective action to be taken by a portion of the automated factory in an effort to resolve automatically the second recognized incoming error condition (**Ikeda**: c6:64-67; Fig. 5(A), Ref. S18).

Claim 27

Ikeda anticipates (g) in the event that first incoming error condition does not appear to have been corrected in response to the first set of commands generated automatically to recover from that first incoming error condition, sequentially thereafter automatically commanding the generation of a second set of commands associated with a second course of possible automated corrective action for that first incoming error condition (**Ikeda**: c8:1-10; if first set of commands can not resolve the issue, then it moves to the next component to search the database for other alternatives); (h) in the event that second incoming error condition does not appear to have been corrected in response to the first set of commands generated automatically to recover from that second incoming error condition, sequentially thereafter automatically commanding the generation of a second set of commands associated with a second course of possible automated corrective action for that second incoming error condition (**Ikeda**: Fig. 5(A), Ref. S18 and 19; if the analysis and actions taken do not correct the error, the results does not go to user and another analysis and set of actions occur).

Response to Arguments

6. Applicant's arguments filed on August 17, 2006 related to Claims 1-30 have been fully considered but are not persuasive.

In reference to Applicant's argument:

> With respect to Applicants' first component for automatically checking whether a first reported issue brought to its attention is a recognized issue for which an automatic resolution appears to be available, the Office Action has cited Col. 1, Lines 49-52, and Figure 5(A) Ref. 70. Applicants respectfully disagree with this analysis because the cited section discloses a passive database that simply store "past plant data associated with errors having occurred to said plant and actions taken to cope with said errors." In contrast, Applicants' Claim 1 recites a first component for automatically checking whether a first reported issue brought to its attention is a recognized issue for which an automatic resolution appears to be available. Ikeda is silent whether or not any automatic response is available or taken. Ikeda simply discloses a passive crosscheck and does not anticipate an automatic response.

Examiner's response:

¶ 10. Applies. The claims and only the claims form the metes and bounds of the invention. Limitations appearing in the specification but not recited in the claim are not read into the claim. Claim 1 is does not claim limits such as databases or features such as silent. Ikeda cites automatic action @ c1:45-57.

In reference to Applicant's argument:

> With respect to Applicants' Claim 1 that recites a second component for commanding the taking of automated corrective action by a portion of the automated manufacturing facility in response to a reported issue recognized by the first component, the Examiner cites column 1, Lines 52-57, and Col. 6, Lines 58-67 as allegedly teaching this feature. Applicants once again respectfully disagree with this analysis because the cited sections disclose a system that manually passes along an occurrence of an error. Ikeda discloses, specifically in cited Col. 6, Lines 58-67, that an occurrence of an error is passed along to the technical staff, then to the designing department, which then does an analysis and then takes an action. In contrast, Applicants' claimed invention discloses "a second component for commanding the taking of automated corrective action by a portion of the automated manufacturing facility in response to a reported issue recognized by the first component". In contrast to Ikeda, there is no deliberation among departments in handling the occurrence of an error: Applicants' second component automatically takes corrective action.

Examiner's response:

¶ 10. Applies. Ikeda cites @ c1:45-57 a remote monitoring diagnostic system that among other features provides a reporting system to send a report to the user of said plant regarding the causes for the error and/or actions taken to cope with the error based on the result of said analysis. Such is automotive corrective action. Claim 1 does not address deliberation among departments. Ikeda @ Fig. 2 illustrates the automated remote monitoring diagnostic center and related system.

In reference to Applicant's argument:

With respect to Applicants' third component, in Claims 2, 12, and 22, for determining whether the automated corrective action appears to have resolved the recognized issue, the Office Action has cited Fig. 5(A), Ref. S 18-20, and states that the corrective action appears to have resolved the issue if a report has been sent to the user. Applicants respectfully take the position that this portion of the rejection is highly improper because, as stated above, a single source must contain all of the elements of the claim. Lewmar Marine Inc. v. Barient, Inc., 827 F.2d 744, 747, 3 U.S.P.Q.2d 1766, 1768 (Fed. Cir. 1987), cert. denied, 484 U.S. 1007 (1988). Ikeda does not contain the third component because the simple sending of the report does not indicate that the recognized issue has been resolved. Applicants respectfully assert that the Examiner is improperly reading this step into the reference because as argued above, the error is only deliberated among several departments, and not actually or apparently resolved upon the issuance of a report. Figure 5(A) does not provide any further guidance on whether the issue has been resolved.

Examiner's response:

¶ 10. Applies. The Examiner has full latitude to interpret each claim in the broadest reasonable sense. The claims and only the claims form the metes and bounds of the invention. Limitations appearing in the specification but not recited in the claim are not read into the claim. A single prior art (Ikeda) contains all the elements of the claim in the cited reference. The claim interpretation does not preclude using the cited reference as anticipation. Again, applicant must fully appreciate that the Examiner has the obligation to interpret the claims in the broadest reasonable manner.

In reference to Applicant's argument:

With respect to Applicants' first and second subcomponents in claims 3, 13, and 23 for respectively determining whether an automated corrective action appears to be able to be taken at present, and for advising that an automated corrective action cannot be executed at present, the Office Action has cited Fig. 5(A), Ref. S 14, stating that the action appears to be able to be taken when emergency support is provided, and Col. 6, Lines 37-41, stating that corrective action cannot be executed if the transmission related to the related data is not complete, respectively. Applicants respectfully note that the Office Action has reversed the order in which Applicants' subcomponents operate and as such, the referenced sections as cited cannot anticipate the subcomponents. In Applicants' claimed invention, the first subcomponent determines whether or not the corrective action can be taken at present, and the second subcomponent advises that automated corrective action cannot be taken at present. In contrast, in Ikeda, as cited by the Office Action, if data transmission has terminated the transmission line is disconnected. Therefore, Ikeda bypasses what would be the action taken in the first subcomponent of Applicants' claimed invention, that is, first making a determination whether or not corrective action is possible. Ikeda simply disconnects a transmission line without making any affirmative determination.

Examiner's response:

¶ 10. Applies. Ikeda appropriately anticipates the first component @ Fig. 5(A):S14. Ikeda further anticipates @ Fig. 5(A):S15 to include using database types 70-76 to evaluate the error. Since any database is limited in scope to that which is in the database, there will be some consideration that is simply outside the domain of the database. Such information is provided to the user in a report @ S19. Such flow of information and action anticipates the applicant's claim.

In reference to Applicant's argument:

Regarding the rejection of Claims 4, 5, 14,15 and 24, Applicants respectfully submit that the cited section, that is, Col. 6, Lines 37-41, simply does not indicated that any error messages are relayed. The cited section simply discusses the inability of related data and not actual messages, to be transmitted at all. The cited section and related sections fail to disclose Applicants' claimed message advising of the state of automated corrective action.

Examiner's response:

¶ 10. Applies. Applicant is invited to review more closely Ikeda @ Fig. 5(A) and more specifically @ c7:2-6 where such messages are sent to the user, S19.

In reference to Applicant's argument:

Regarding rejected claim 6, the Office Action states that Ikeda allegedly discloses an issue resolution system as in claim 1, wherein the ISRM system further includes at least a plurality of second components which are each respectively dedicated to attempting to resolve of a different recognized issue, and cites Col. 8, Lines 52-58 to support the rejection. Applicants respectfully disagree with this analysis. The very first sentence of the cited section, states "For the errors which do not require inquiry... " In contrast, Applicants note that the plurality of second components in Claim 6 relate directly back to the second component recited in Claim 1, which, among other things, is "for commanding the taking of automated corrective action.. " Therefore, Applicants submit that the cited section of Ikeda discloses a series of apparently non-critical errors, while Applicants' claimed invention recite errors that command automated corrective action.

Examiner's response:

¶ 10. Applies. Applicant is invited to return to the first sentence of the cited reference of Ikeda @ c8:52-58 which states: "When an error has occurred to the user facilities, electronic data are sent to the remote monitoring diagnostic center 14 through field monitoring system 6 (51)." The limitations regarding claim 1 was addressed above. Ikeda @ c8:7-10 cites a different recognized issue.

In reference to Applicant's argument:

Regarding the rejection of claims 7 and 17, Applicants respectfully submit that Ikeda discloses neither Applicants' first subcomponent for providing at least first and second automated courses of action nor a second subcomponent for commanding the taking of the first course of possible automated corrective action, and then the taking of the second course of possible automated corrective action if needed. Ikeda et al merely discloses, in the cited sections of cites Col. 6, Lines 53-57, Fig. 5(A), Ref. 70, 71, databases that store "past error diagnosis and trouble analysis", and not subcomponents for commanding automated corrective action as recited in Applicants' Claims 7 and 17.

Examiner's response:

¶ 10. Applies. To PHOSITA, it is axiomatic that within a selection of databases such as identified in Ikeda @ Fig. 5(A) and cited in c6:53-57, a hierarchy structure is to be found. Such is a database. An example of such hierarchy is to be found @ c8:7-10.

In reference to Applicant's argument:

Regarding the rejection of claims 9, 19 and 29, Applicants respectfully submit that the cited sections, that is, Co1.8, Lines 52-58, have been distinguished in the arguments above, to which Applicants direct Examiner's attention. Furthermore, generally, and with respect to the cited section Col. 8, Lines 65 - Col. 9, Line 2, Applicants respectfully submit that once again, no automated corrective action is disclosed in Ikeda. Rather, Ikeda discloses a system in which errors are reported to a technical staff (see Col. 8, line 67) that must in turn manually "create the instruction for actions to be taken", then "send it by electronic mail or in the form of a letter." Clearly, the automated corrective actions as claimed in Claims 9, 19 and 29 are distinguished over the manual creation of instructions that are subsequently sent by electronic mail or letter.

Above discussions apply. Applicant is invited to review Ikeda @ Fig. 1 related to automated processes. Further, applicant has not defined "automated" in the specification and the Examiner is obligated to interpret automated in the broadest reasonable manner which would include technical staff inputs. Within the perspective of the Examiner's interpretation, Applicant's above statements related to Ikeda are automated.

In reference to Applicant's argument:

Regarding claims 10 and 20, Applicants submit that Ikeda et al. cannot disclose the claimed components because the claimed components log and communicate automated corrective measures. As already discussed and argued above, Ikeda et al does not disclose automated corrective measures. Therefore, it follows that the Ikeda et al system cannot log and communicate measures that it does not disclose.

Examiner's response:

¶ 10. Applies. See above discussions and the automated Ikeda process of Fig. 1. PHOSITA views Ikeda @ Fig. 5(A) to include Fig. 1 as automated … there are computers … there are databases … there are processes using the term "automated operation." Data and replies are registered in the database as knowledge database (S20).

In reference to Applicant's argument:

In rejecting Claim 25, the Office Action cited Col. 6. lines 53-57 and Fig. 5(A), Ref. 70, 71. Applicants have discussed how this section of Ikeda's disclosure is different from Applicants' claimed invention. As discussed above, Ikeda et al merely discloses, in the cited sections of cites Col. 6, Lines 53-57, Fig. 5(A), Ref. 70, 71, databases that store "past error diagnosis and trouble analysis". Ikeda et al consequently is distinguishable from Applicants' substep selecting at least a first course of possible automated corrective action, and generating, based at least in part thereon, a first set of commands to initiate the first course of automated corrective action. In addition, Applicants respectfully point out that the Office Action has not positively rejected the second element of the claim, "in the event that the recognized incoming error condition does not appear to have been corrected in response to the first set of commands, selecting a second course of possible automated corrective action, and thereafter generating, based at least in part thereon, a second set of commands to initiate the second course of automated corrective action." Specifically, the Office Action has not properly cited any section of Ikeda et al that discloses the aforementioned claim element. Applicants' further reiterate that Ikeda et al also does not disclose a system for taking automated corrective measures as in Applicants' claimed invention.

Examiner's response:

¶ 10. Applies. Above discussions apply. Applicant is invited to review Ikeda @ c8:1-10 related to subsequent actions related to the apparent error. Note that Ikeda shifts error source from combustor to thermocouple with additional error data which is consistent with First Office Action comments related to the referenced section.

In reference to Applicant's argument:

Regarding the rejection of Claim 26, Applicants respectfully submit that none of the cited sections, that is, Col. 6, Lines 47-53, Fig. 5(A), Ref. 76, Col. 6, Lines 64-67, Fig. 5(A), Ref. S 18, disclose a supervisory program that watches over accessing information associated with that recognized incoming error condition to enable the generation of at least a first set of automated corrective commands via the supervisory program distinct from the first set of automated corrective commands generated in response to the first incoming error condition recognized in step (b), or watches over generating at least a first set of commands for initiating automated corrective action to be taken by a portion of the automated factory in an effort to resolve automatically the second recognized incoming error condition. Applicants emphasize that significant amounts of human interaction is required in Ikeda et al, while Applicants' claimed invention is automated.

Examiner's response:

¶ 10. Applies. Above discussion apply. Applicant has not defined "automated" in the specification. Ikeda @ c10:43-63 to include Fig. 1 cites automatic processing which PHOSITA asserts as an application program running under an operating or supervisory system ... inherent in the related art.

In reference to Applicant's argument:

Finally, regarding Claim 27, Applicants respectfully point out that the Office Action has failed to cite any disclosure that anticipates the claim element (g). As such, Applicants cannot appropriately respond. Furthermore, regarding element (h), Applicants respectfully point out that the cited section, Fig. 5(A), Ref. S18 and 19 do not disclose the claimed element because there is no automated corrective action but merely study, analysis and actions taken by the related department. Applicants once again respectfully submit that actions taken by humans in the related department are not automated corrective actions.

Examiner's response:

¶ 10. Applies. Above discussions apply. Applicant has not defined "automated" in the specification. Applicant is invited to review Ikeda @ c8:1-10 related to subsequent actions related to the apparent error. Note that Ikeda shifts error source from combustor to thermocouple with additional error data which is consistent with First Office Action comments related to the referenced section. With an adjustment from the first incoming error to a second consideration as illustrated in the cited Ikeda reference further adjustments are iterative and not functionally distinct from the first consideration.

Examination Considerations

7. The claims and only the claims form the metes and bounds of the invention. "Office personnel are to give the claims their broadest reasonable interpretation in light of the supporting disclosure. *In re Morris,* 127 F.3d 1048, 1054-55, 44USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim are not read into the claim. *In re Prater*, 415 F.2d, 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969)" (MPEP p 2100-8, c 2, l 45-48; p 2100-9, c 1, l 1-4). The

Examiner has full latitude to interpret each claim in the broadest reasonable sense. Examiner will reference prior art using terminology familiar to one of ordinary skill in the art. Such an approach is broad in concept and can be either explicit or implicit in meaning.

8. Examiner's Notes are provided with the cited references to prior art to assist the applicant to better understand the nature of the prior art, application of such prior art and, as appropriate, to further indicate other prior art that maybe applied in other office actions. Such comments are entirely consistent with the intent and spirit of compact prosecution. However, and unless otherwise stated, the Examiner's Notes are not prior art but a link to prior art that one of ordinary skill in the art would find inherently appropriate.

9. Unless otherwise annotated, Examiner's statements are to be interpreted in reference to that of one of ordinary skill in the art. Statements made in reference to the condition of the disclosure constitute, on the face of it, the basis and such would be obvious to one of ordinary skill in the art, establishing thereby an inherent prima facie statement.

10. Examiner's Opinion: ¶¶ 7-9 are pending. The Examiner has full latitude to interpret each claim in the broadest reasonable sense. Applicant is invited to review and understand the cited reference in total. Merely arguing selected points frustrates the patenting process concerned with anticipation by prior art.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Claims 1-30 are rejected.

Correspondence Information

13. Any inquiry concerning this information or related to the subject disclosure should be directed to the Primary Examiner, Joseph P. Hirl, whose telephone number is (571) 272-3685. The Examiner can be reached on Monday – Thursday from 6:00 a.m. to 4:30 p.m.

If attempts to reach the Examiner by telephone are unsuccessful, the

Examiner's supervisor, David R. Vincent can be reached at (571) 272-3080.

Any response to this office action should be mailed to:

Commissioner of Patents and Trademarks,

Washington, D. C. 20231;

Hand delivered to:

Receptionist,

Customer Service Window,

Randolph Building,

401 Dulany Street,

Alexandria, Virginia 22313,

(located on the first floor of the south side of the Randolph Building);

or faxed to:

(571) 273-8300 (for formal communications intended for entry.

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Joseph P. Hirl
Primary Examiner